

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY TO WITHDRAW ITS TARIFF RTP)	CASE NO.
PENDING SUBMISSION BY THE COMPANY)	2012-00226
AND APPROVAL BY THE COMMISSION OF A)	
NEW REAL-TIME PRICING TARIFF)	

ORDER

On June 22, 2012, Kentucky Industrial Utility Customers, Inc. ("KIUC") filed a motion requesting that the Commission clarify its June 21, 2012 Order ("June 21 Order") in this proceeding. In its motion, KIUC argues that the language in the June 21 Order is somewhat ambiguous regarding whether customers are immediately barred from taking service under existing Tariff RTP. On June 1, 2012, Kentucky Power Company ("Kentucky Power") filed an application for authority to withdraw its existing experimental RTP tariff. On June 8, 2012, the Commission issued an Order which granted KIUC intervention and set a deadline of June 15, 2012 for the filing of any other motions for intervention and for Kentucky Power to file its Response to KIUC's Response and Motion to Dismiss.

On June 11, 2012, Kentucky Power filed a second application, pursuant to KRS 278.180 and 807 KAR 5:011, requesting approval of its Experimental Real-Time Pricing Rider ("Rider RTP") contingent upon the Commission granting Kentucky Power's June 1, 2012 application to withdraw its existing Tariff RTP.

On June 22, 2012, Kentucky Power filed its Response to KIUC's Motion for Clarification. In its response, Kentucky Power argues that KIUC's motion should be denied as there is nothing unclear about the June 21 Order. It argues that the June 21 Order unambiguously indicates that the Commission is taking under advisement the Kentucky Power request that the Commission prohibit any customers from taking service under Tariff RTP after July 1, 2012, not as KIUC argues, "new" customers. The Kentucky Power response at footnote 6 cites Tariff RTP that states: "[n]o additional customers will be placed under this rider after July 1, 2012."¹ Kentucky Power's response further argues that the KIUC "clarification" would have the Commission take under advisement a request never made by the Company. Kentucky Power's response also requests that the Commission suspend Tariff RTP after July 1, 2012 during the pendency of this proceeding.

On June 26, 2012, KIUC filed its Reply to the Response of Kentucky Power. In its reply, KIUC states that it merely seeks clarification that Kentucky Power is correct in its assertion that the Commission has not decided to suspend Kentucky Power's existing Tariff RTP until the Commission's investigation in this proceeding is complete. The reply further requests that the Commission expressly state that customers who gave notice of their desire to take service under the existing Tariff RTP prior to July 1, 2012 will be permitted to take service under existing Tariff RTP during the Commission's investigation in this proceeding.

¹ Response of Kentucky Power Company to Kentucky Industrial Utility Customers, Inc.'s Motion for Clarification, filed June 22, 2012, page 2, FN 6, citing Tariff RTP at Sheet 30-3, Issued June 29, 2010.

Based on a review of the record, KIUC's motion, Kentucky Power's response, and KIUC's reply, the Commission finds that:

1. To the extent that any ambiguity exists in the June 21 Order, KIUC's motion for clarification should be granted to the limited extent that the Commission will reiterate that it takes under advisement the request by Kentucky Power to prohibit any customers from taking service under Tariff RTP after July 1, 2012.

2. Whether or not Kentucky Power must approve a customer's pre-July 1, 2012 request for service under Tariff RTP is an issue that was not addressed in the June 21 Order. The existing evidence of record is insufficient for the Commission to now make findings as to whether any customers have actually requested service under Tariff RTP and, if so, whether those customers are eligible to be on that tariff. Absent such evidence, the Commission has no basis to require Kentucky Power to serve a specific customer under Tariff RTP.

3. Kentucky Power's existing Tariff RTP has not been suspended and it remains in full force and effect. If any customer believes that it is eligible for service under Tariff RTP, or under any other tariff, and its request for that service has been denied, that customer has recourse by filing a complaint under KRS 278.260.

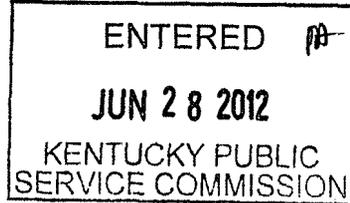
IT IS THEREFORE ORDERED THAT:

1. KIUC's motion for clarification is granted to the limited extent that if any ambiguity exists in the June 21 Order, the Commission reiterates that the request in Kentucky Power's application that the Commission prohibit any customers from taking service under the existing Tariff RTP after July 1, 2012 is taken under advisement and will be ruled on at a later date.

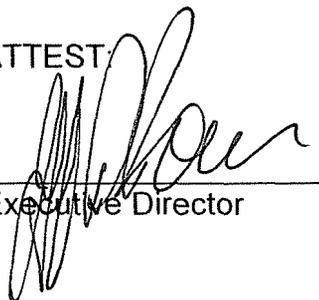
2. Kentucky Power's request that the existing Tariff RTP be suspended after July 1, 2012 during the pendency of this proceeding is denied.

3. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00226

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